

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Western District of Michigan

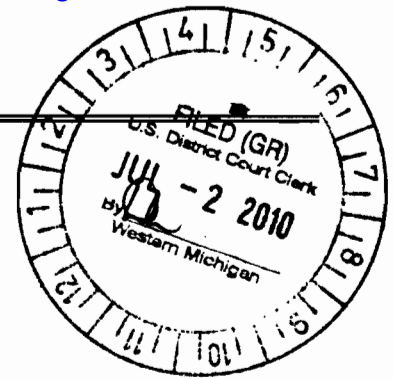
United States of America)

v.)

SCOTT ALLAN HERRICK)

Case No. 1:10-MJ-346)

Defendant(s)



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 4/24/10, 6/17/10, 6/25/10, 7/1/10 in the county of Muskegon in the
Western District of Michigan, the defendant(s) violated:

Code Section

18 USC 18 USC § 2252A(a)(2) and
2252A(a)(5)(B)

Offense Description

receipt, distribution, and possession of child pornography

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

Complainant's signature

Adam J. Van Deuren, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: July 02, 2010City and state: Grand Rapids, Michigan

Judge's signature

Joseph G. Scoville, U.S. Magistrate Judge

Printed name and title

AD 718

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

AFFIDAVIT

I, Adam J. Van Deuren, being duly sworn, depose and say that:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been so employed since April 2005. I am currently assigned to the Grand Rapids Resident Agency, Grand Rapids, Michigan. In my employment as an FBI SA, I have investigated various types of Federal criminal violations, including but not limited to computer crimes, sexual exploitation of children, and child pornography matters.
2. This affidavit is being submitted in support of a criminal complaint and arrest warrant for **SCOTT ALLAN HERRICK** for violations of Title 18, United States Code, § 2252A(a)(2), receipt and distribution of child pornography, and Title 18, United States Code, § 2252A(a)(5)(B), possession of child pornography.
3. The factual basis set forth in this affidavit in support of the application for the search warrant is based upon information I discovered in the course of my investigation, information from other FBI Special Agents, FBI computer forensic examiners, other law enforcement officers or agencies, public records, and information from Internet Service Providers obtained during this investigation. The factual basis also includes information based on my own experience in and knowledge of computer crimes and child pornography investigations as well as the experience, knowledge and expertise of other investigators and forensics examiners. Not all of the information I have acquired in this investigation is contained within this affidavit.

Factual Basis

4. On April 24, 2010, Special Agent (SA) Barry Couch of the Federal Bureau of Investigation (FBI) office in Rochester, New York, working in an undercover capacity, used an undercover account to access a private peer-to-peer ("P2P") network. SA Couch queried his network of "friends" who had previously invited SA Couch's undercover persona to trade files within a private network. SA Couch identified a "friend" within the private network using the username "**Joshiex**," who was also logged into the network during SA Couch's undercover session.
5. SA Couch established a peer-to-peer connection with "**Joshiex**" and browsed the directories being made available for sharing by "**Joshiex**." SA Couch accessed the shared directories and observed many video and image files with file names indicative of child pornography. SA Couch then selected and downloaded multiple video files that depict child pornography.
6. After downloading the files, SA Couch determined that they contained child pornography. A selection of the downloaded files are identified by name and described below. Copies of the images identified below were previously provided as an exhibit for an application for a search warrant (1:10-MJ-344). The Honorable Joseph G. Scoville found probable cause to authorize the search of the Gerber Boy Scout Camp for evidence of the above-enumerated offenses.
 - a. a.anal.mpg

This video file depicts an adult male performing anal sex on a young prepubescent male child.
 - b. FyouMultiply - 7 YO Boy.wmv

This video file depicts an adult male performing anal sex on a young prepubescent male child.

- c. Hedone's Site - hotondad2.mpeg

This video file depicts an adult male performing anal sex on a young prepubescent male child.
- d. Logan0.wmv

This image depicts an adult male performing oral sex on a young prepubescent male child.
- e. P101 - Brotherlove 1.divx

This video file depicts multiple nude prepubescent male children lewdly and lasciviously displaying their genitalia for the camera.

7. During the download, SA Couch identified the IP address utilized by "**Joshiex**", which was **67.208.238.110**. SA Couch identified and served a subpoena on the Internet Service Provider (ISP), AriaLink. AriaLink is a small local ISP operating in West Michigan. A representative AriaLink contacted SA Couch on May 13, 2010 and advised that AriaLink did not maintain any IP information.
8. On June 17, 2010, SA Couch, working in an undercover capacity in Rochester, NY, used an undercover account to access a private P2P network. SA Couch again established an undercover session with user "**Joshiex**".
9. SA Couch used the browse function to review the files being made available for sharing by "**Joshiex**." SA Couch accessed the shared directories and observed approximately 436 video and image files with file names indicative of child pornography that were available to be shared. SA Couch then selected and downloaded approximately 12 video files that appeared to depict child pornography.

10. After downloading the files, it was determined that 12 video files appeared to be child pornography. One additional inconclusive video was also downloaded. A selection of the downloaded files are identified by name and described below. Copies of the images identified below were previously provided as an exhibit for an application for a search warrant (1:10-MJ-344).

- a. 02.avi
An adult male engaging in anal sex with a prepubescent male.
- b. 2BoyzMaknLove02[1][2].mpeg
Two prepubescent males engaging in oral sex.
- c. 13 yo boy jerks off and cums in bedroom 3'59.mpg
A prepubescent male masturbating.
- d. Hedone's Site - hotondad2.mpeg
An adult male engaging in anal sex with a prepubescent male.
- e. little boy sucks and gets cum in his mouth.mpg
Two prepubescent males engaging in oral sex.

11. During the download, SA Couch identified the IP address utilized by "Joshiex", which was **67.208.225.149**. SA Couch again served a subpoena to AriaLink which advised that it had begun maintaining IP address log information. SA Couch obtained IP records from AriaLink on approximately June 17, 2010 as to the user assigned IP Address **67.208.225.149** on June 17, 2010, at the time of the downloads from "Joshiex." These records indicated that the user assigned the IP address was on the account of **SCOTT ALLAN HERRICK**, at 1733 Owasippe Road, Twin Lake, Michigan, 49457. The subscriber's email address as gerberscoutcamp@gmail.com.

12. At the time of the aforementioned downloads from "**Joshiex**," SA Couch was physically located in the State of New York.
13. **SCOTT ALLAN HERRICK** is the Camp Director for the Gerber Boy Scout Camp in Twin Lake, Michigan. Additionally, I was advised that the Gerber Boy Scout camp was not yet open to campers on April 24, 2010 and would have only been occupied by camp staff members.
14. On June 29, 2010, I was contacted by SA Thomas Thompson from the FBI office in New York, NY. SA Thompson advised that he had conducted an online undercover session with "**Joshiex**" on June 25, 2010 at approximately 10:49 AM and viewed multiple images and videos of child pornography that were available by "**Joshiex**" for download. SA Thompson advised that the IP address used by "**Joshiex**" belongs to AriaLink and served a subpoena to them, however at the time the search application was prepared, he had not received responsive information.
15. SA Thompson further advised that within the shared folder were images of teenaged boys in Boy Scout uniforms. One of the images depicted a child in a Boy Scout uniform with his genitals exposed. SA Thompson is experienced in investigating child pornography cases and described the image as "child pornography."
16. On July 1, 2010, Honorable Joseph G. Scoville, Magistrate Judge, authorized the search of Gerber Boy Scout Camp and the seizure and search of computers (1:10-MJ-344).
17. The search warrant was executed on July 1, 2010, and numerous camp staffers were interviewed. Agents seized a desktop computer owned and possessed by **SCOTT ALLAN HERRICK**, the camp director. The camp director's residence was a point of access for the Internet at the camp.

18. Senior Special Agent Blair Babcock, Immigration and Customs Enforcement, assisted in the execution of the search warrant. Agent Babcock is a trained computer forensic examiner. Agent Babcock conducted a preliminary computer forensic examination and recovered evidence of the specialized peer-to-peer software, the user name “**Joshiex**,” and images of child pornography, including numerous images of prepubescent boys engaged in sexual activity. The images were recovered from deleted space and the file names were no longer linked to the image files. Agent Babcock advised that the computer evidence indicates that someone was deleting the images at 11:00 p.m. on June 30, 2010. Below are an example of images recovered from **HERRICK**’s computer. The images are described and attached as Exhibit 1.

- a. Image 1 –
A prepubescent male engaging in an oral sex act on another prepubescent male.
- b. Image 2 –
Three prepubescent males naked, with one boy with his erect penis exposed sitting on another boy.
- c. Image 3 –
A naked young male being penetrated in actual or simulated anal sex with an adult male who is also naked.

19. The images were recovered while agents were at the camp. **HERRICK** was confronted with the results of the preliminary computer examination. **HERRICK** was not in custody and was not advised of his *Miranda* rights. **HERRICK** was advised that he was not under arrest and was free to leave. **HERRICK** consented to be interviewed. **HERRICK** admitted to downloading, distributing, and possessing child pornography. He admitted to using the name “**Joshiex**” and to using the specialized peer-to-peer software to obtain and


distribute child pornography. **HERRICK** admitted that he was deleting images the night before. **HERRICK** was asked if he owned or possessed a laptop computer. He claimed to have disposed of his laptop a year earlier.

20. Other camp staff members who were living in the same residence as **HERRICK** were also interviewed and they reported that **HERRICK** had a laptop and that they saw **HERRICK** with the laptop as recently as one week prior.


Conclusion

21. Based upon the above information, there is probable cause to believe that **SCOTT ALLEN HERRICK** committed violations of Title 18, United States Code, § 2252A(a)(2), receipt and distribution of child pornography, and Title 18, United States Code, § 2252A(a)(5)(B), possession of child pornography.

Further, Affiant sayeth not.


ADAM J. VAN DEUREN
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me
this 2 day of July, 2010.


HON. JOSEPH G. SCOVILLE
United States Magistrate Judge
Western District of Michigan